

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DEBRA REALE individually; NICHOLAS
REALE; and ALAINA REALE, a minor,

Plaintiffs,

v.

TIMOTHY SHEA, in his official and
individual capacities; KARL BEAVERS, in his
official and individual capacities; CLARK
COUNTY DEPUTY MARSHALS
ASSOCIATION; LAS VEGAS JUSTICE
COURT; DIANA SULLIVAN in her official
and individual capacities; STEPHANIE
WESTBAY, in her official and individual
capacities; and CLARK COUNTY,

Defendants.

Case No. 2:14-cv-00583-APG-GWF

Order Denying Motion for Sanctions

(Dkt. #25)

Defendants Clark County Deputy Marshals Association and Karl Beavers have moved for sanctions under Fed. R. Civ. P. 11. (Dkt. #25.)

A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b). **The motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service** or within another time the court sets. If warranted, the court may award to the prevailing party the reasonable expenses, including attorney's fees, incurred for the motion.

Fed. R. Civ. P. 11(c)(2) (emphasis added). According to the Certificate of Service attached to the motion, the motion was served on Plaintiffs' counsel on the same date it was filed with the Court. (ECF#25 at 11.) There is no indication that the Defendants complied with Rule 11's 21-day safe harbor provision. Thus, the Motion must be denied.

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1 Accordingly, **IT IS HEREBY ORDERED** that Defendants Clark County Deputy
2 Marshals Association's and Karl Beavers' Motion for Sanctions (ECF#25) is **DENIED**.

3 DATED this 25th day of August, 2014.

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7 ANDREW P. GORDON
8 UNITED STATES DISTRICT JUDGE
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